

**From:** [MATTHEW SEAMAN](#)  
**To:** [Pongkhamsing, Chan](#)  
**Subject:** EPA permit for Shaw Creek  
**Date:** Thursday, January 28, 2016 7:09:02 PM

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To: Chan Pongkhamsing  
From: Matthew Seaman (matthew142@msn.com)  
Date: January 27, 2016

Hello. We spoke on the phone several months ago about Clean Water Act violations along Shaw Creek in the West Valley of Yakima.

Perhaps you could help with a related matter. Who would be the individual at the EPA involved with a "Low Erosivity Waiver Certification"?

Project proponents for the "Shaw Creek Flood Mitigation Project" indicate that they will be requiring a "Low Erosivity Waiver Certification - EPA"

. Issuance of this waiver will facilitate a scheme to avoid enforcement of the federal CWA. For this reason, it is important that hard evidence, testimony, photographs and diagrams regarding the flood project be sent to the correct individual at the EPA.

Please let me know if you have some information that can help me with this EPA permitting issue.

We previously discussed the Shaw Creek environmental crimes; I now have a great deal of evidence affirming violations of the federal Clean Water Act by the developer (Bainter). These are: relocation of Shaw Creek into a man-made ditch without issuance of a COE 404 Fill & Dredge permit; filling of wetlands; filling of the Shaw Creek watercourse; dewatering of Shaw Creek; destruction of a delineated wetland; submission of multiple falsified JARPs in association with CWA violations; participation in a scheme for enrichment following CWA violations; participation in a scheme to avoid enforcement of the federal CWA; and participation in a scheme for fraudulent conveyance following CWA violations. Needless to say, it required a great deal of time and effort to obtain the evidence and proceed towards a Citizen's Lawsuit. In very short order, the NOI will be delivered which will start the 60-day clock for the issuance of the lawsuit. As a result of this litigation, I fully expect that restoration of Shaw Creek, restoration of wetlands, and restoration of other critical areas will occur at the site.